REMARKS

1. Summary of Office Action

In the Office Action mailed March 7, 2005, the Examiner rejected claims 1-3 and 14-17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,131,112 A (Lewis et al.). The Examiner rejected claims 4-5 under 35 U.S.C. §103(a) as being unpatentable over Lewis et al. in view of U.S. Patent No. 6,317,743 A (Heck). The Examiner rejected claims 9-13 and 19 under 35 U.S.C. §103(a) as being unpatentable over Lewis et al. in view of U.S. Patent No. 5,742,762 A (Scholl et al.). Further the Examiner objected to claim 18 as being dependent upon a rejected base claim, but indicated this claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner has made this Office Action Final.

2. Amendments and Pending Claims

Applicant has amended claim 18 and has added new claims 20-23. Now pending in this application are claims 1-5 and 9-23 of which claims 1, 9, 14, 16, 17, and 18 are independent.

3. Response to Claim Objections

Applicant expresses appreciation to the Examiner for indicating that claim 18 would be allowable if claim 18 is rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 18 in independent form to include all of the limitations of claim 1. Applicant submits that claim 18 is now in condition for allowance.

New claims 20-23 have been added. New claims 20-23 are dependent upon claim 18 and are based on claims 2-5 respectively. Since claims 2-5 are dependent upon claim 1 and since

MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

claim 18 has been made allowable by adding all of the limitations of claim 1 to claim 18, Applicant submits that claims 20-23 are also allowable.

4. Response to §102 Rejections

The Examiner rejected claims 1-3 and 14-17 as being anticipated by Lewis et al. The Applicant respectfully traverses the anticipation rejection of pending claims 1-3 and 14-17 because Lewis et al. does not teach or suggest each and every element as recited in any of these claims.

In particular, with respect to independent claims 1, 14, 16, and 17, Lewis et al. does not teach or suggest (i) the first command line interface server processing ***commands addressed*** to boards of ***a first board type*** programmed with a ***first version of software***, wherein processing the first command involves routing the first command to boards (or one or more boards) of the first board type programmed with the first version of software, and (ii) the second command line interface server processing ***commands addressed*** to boards (or one or more boards) of ***the first board type*** programmed with a ***second version of software***, wherein processing the second command involves routing the second command to boards of the first board type programmed with the second version of software.

In rejecting claims 1, 14, 16, and 17, the Examiner indicated that (i) Lewis et al. (Col. 8, lines 54-65) teaches the first command line interface server processing commands addressed to boards of a first board type, and (ii) it is ***inherent*** in Lewis et al. (Col. 8, line 58) [that these boards are] programmed with a first version of software. Further, in rejecting claims 1, 14, 16, and 17, the Examiner indicated that (i) Lewis et al. (Col. 8, lines 54-65) teaches the second command line interface server processing commands addressed to boards of the first board type,

MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

and (ii) it is ***inherent*** in Lewis et al. (Col. 8, line 58) [that these boards are] programmed with a second version of software.

Lewis et al. discloses a Network Management Platform (NMP) Command Line Interface (CLI) and a System Management Platform (SMP) CLI for performing integrated network and systems management. The section of Lewis et al. cited by the Examiner, Col. 8, lines 54-65, teaches that (i) an NMP CLI and a SMP CLI allow an external user or device to control aspects of the associated platform by providing ***specific commands***, (ii) an NMP server can include many software modules, and (iii) the NMP CLI allows a user or external application to enter a ***command*** that directly invokes a particular one of these software modules, thus providing interface with external entities. (Emphasis added). However, since Lewis et al., does not teach that the NMP CLI, the SMP CLI, and/or the external entities are or include (i) boards of a ***first board type*** that are programmed with a ***first version of software***, and (ii) boards of the ***first board type*** that are programmed with a ***second version of software***, Applicant submits that Lewis et al. does not teach or suggest first ***commands addressed*** to boards of the ***first board type*** which are programmed with a ***first version of software*** and second ***commands addressed*** to boards of ***the first board type*** which are programmed with a ***second version of software***, as recited in claims 1, 14, 16, and 17.

According to M.P.E.P. §2112, "In relying upon the theory of inherency, the examiner must provide a ***basis in fact*** and/or ***technical reasoning*** to reasonably support the determination that the allegedly inherent characteristic ***necessarily*** flows from the teachings of the applied prior art." (Emphasis added). The Examiner indicated that it is inherent in Lewis et al. [that boards of a first board type are] programmed with a first version of software, and [that boards of the first board type are] programmed with a second version of software, and cited to the term "associated

MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

platform" in Col. 8, line 58, of Lewis et al. in support. Applicant respectfully submits that the Examiner has not provided the required basis in fact and/or technical reasoning to reasonably support the determination of the alleged inherent characteristic in Lewis et al.

Further, although Lewis et al. teaches that a CLI may provide interface with external entities, Applicant submits that Lewis et al. does not teach that these external entities receive commands or that these external entities are or include boards of a first board type, some of which are programmed with a first version of software and others that are programmed with a second version of software.

Because Lewis et al. does not teach or suggest all of the elements in claims 1, 14, 16, and 17, Lewis et al. fails to anticipate these claims under §102. Further, because each of claims 2-3 and 15 depend from claim 1 or 14, Lewis et al. necessarily also fails to anticipate claims 2-3 and 15 as well.

5. Response to §103 Rejections

Next, the Examiner rejected claims 4 and 5 as being unpatentable over Lewis et al. in view of Heck. Claims 4 and 5 depend from claim 1 and necessarily incorporate by reference all of the limitations of claim 1. The Applicant respectfully traverses the obviousness rejection of claims 4 and 5 because the combination of Lewis et al. and Heck does not teach or suggest each and every element as recited in any of these claims.

In particular, Lewis et al. (for the reasons stated above with respect to claims 1, 14, 16, and 17) and Heck, either alone or in combination, do not teach or suggest (i) the first command line interface server processing ***commands addressed*** to boards of ***a first board type*** programmed with a ***first version of software***, wherein processing the first command involves routing the first command to boards of the first board type programmed with the first version of

MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

software, and (ii) the second command line interface server processing ***commands addressed*** to boards of ***the first board type*** programmed with a ***second version of software***, wherein processing the second command involves routing the second command to boards of the first type programmed with the second version of software.

Since the combination of Lewis et al. and Heck do not teach or suggest each and every element of claims 4 and 5, Applicant submits that the combination of Lewis et al. and Heck do not render claims 4 and 5 obvious.

The Examiner rejected claims 9-13 as being unpatentable over Lewis et al. in view of Scholl et al. The Applicant respectfully traverses the obviousness rejection of claims 9-13 because the combination of Lewis et al. and Scholl et al. does not teach or suggest each and every element as recited in any of these claims.

With respect to claim 9, in particular, the combination of Lewis et al. and Scholl et al. does not teach or suggest a proxy agent for (i) receiving the first command from the first command line interface server and routing the first command to one or more boards of the ***first board type*** programmed with the ***first version of software***, and (ii) receiving the second command from the second command line interface server and routing the second command to one or more boards of the ***first board type*** programmed with the ***second version of software***.

In rejecting claim 9, the Examiner indicated it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a proxy agent for receiving and routing commands to appropriate destinations within the manager system and that Lewis et al. teaches (i) receiving the first command from the first command line interface server and routing the first command to one or more boards of the first board type programmed with the first version of software, citing Col. 8, lines 56-59, in support, and (ii) receiving the second

MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

command from the second command line interface and routing the second command to one or more boards of the first board type programmed with the second version of software, citing Col. 13, lines 55-65, in support.

Applicant submits that the combination of Lewis et al. and Scholl et al. does not teach that (i) the software modules (or any other software) being programmed onto boards of a first board type such that some boards of the ***first board type*** are programmed with a ***first version of software*** and some boards of the ***first board type*** are programmed with a ***second version of software***, or (ii) a first CLI that routes commands to boards of the first board type programmed with a first version of software and a second CLI that routes commands to boards of the first board type programmed with a second version of software.

Moreover, claims 10-13 depend from claim 9 and thus include all of the limitations of claim 9. Consequently, Applicant submits that Lewis et al. and Scholl et al., whether considered alone or in combination, fail to disclose or suggest the invention of claims 9-13, and thus claims 9-13 are in condition for allowance.

6. Conclusion

Applicant respectfully submits that claims 1-5 and 9-23 are now in a condition for allowance, and respectfully requests favorable reconsideration and prompt allowance of the claims. If the Examiner would like to discuss this case, the Examiner is encouraged to contact the undersigned at (312) 913-2122.

Respectfully submitted,
McDonnell Boehnen
Hulbert & Berghoff LLP

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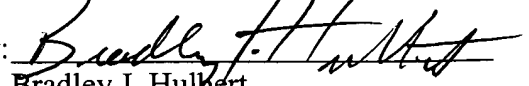
By: 
Bradley J. Hulbert
Reg. No. 30,130

MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001